

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

JAMES EDWIN HODGES, ET AL.

§

Vs.

§

CIVIL ACTION NO. 2:03-CV-183

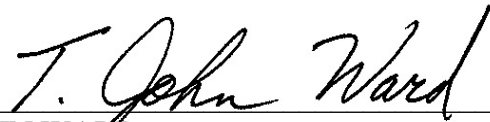
INDIANA MILLS & MANUFACTURING
INC., ET AL.

§

ORDER

As indicated by the Court of Appeals' opinion, evidence concerning whether Mr. Hodges was wearing his seat belt at the time of the accident is relevant to the question whether the product at issue was defectively designed and whether any defect caused the plaintiffs' injuries. Although the seat belt evidence is admissible, at this time, the court is inclined to submit the questions to the jury as they were submitted in the first trial of this case, without a separate question inquiring into seat belt use or non-use and without a separate question concerning "proportionate causation," as requested during the pre-trial conference. The court will further consider, however, all of the parties' requests prior to submitting the case to the jury.

SIGNED this 1st day of May, 2009.



T. JOHN WARD

UNITED STATES DISTRICT JUDGE